

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 562 OF 2004
IN
SUIT NO.2135 OF 2001**

Sandeep Raheja .. Plaintiff
versus
Chandrul Raheja & ors .. Defendants

None for Plaintiff

Mr.Zal Andhyarujina with Mr.D'vitre i/b Humranwalla
& Co for Deft no.5

Mr. C.S.Balsara for Deft no.8

Mr.Anil Agarwal with Mr.M.Motiwala for Deft no.2

Mr.Jayesh Vyas i/b Bilawala & Co for Deft no.7

Mr.Denzil Anarshan for Deft no.1

CORAM : D.G. KARNIK, J

DATED : 11th February, 2005.

P.C:-

1. This application is made for the purpose of stay of a suit on the ground that arbitration proceedings

are pending. Under sub rule 2 of section 8 of Arbitration and Conciliation Act, 1996 such an application shall not be entertained unless it is accompanied by the original arbitration agreement or a certified copy thereof. Motion is not accompanied by the original arbitration agreement nor the certified copy thereof.

2. Learned counsel for the appellant however submits that an application can be entertained under section 151 of the Code of Civil Procedure. When there is express provision made regarding the stay under section 8 resort cannot be had to the provisions of section 151 of the Code of Civil Procedure. Hence, motion is dismissed.

D.G.KARNIK, J